UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,133	03/31/2004	Jun Aoki	Q80619	3722

23373 7590 01/24/2007

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
LEUNG, JENNIFER	
ART UNIT	**PAPER NUMBER**
3709	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/813,133	AOKI, JUN	
	Examiner	Art Unit	
	Jennifer Leung	3709	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/17/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because legal phraseology such as the term, "means" is used in lines 5, 7, 8, 10, 11, and 14. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 17-19, and 21 are objected to because of the following informalities:

Claim 17, line 5: "output means" should be -- output step --.

Claim 17, lines 6-7: "comparing means" should be -- comparing step --.

Claim 18, lines 4: "other device" should be -- another device --.

Claim 19, line 2: "advertisement calculating step" should be -- advertisement point calculating step --.

Claim 19, lines 2-3: "obtaining the displayed amount information" should be -- obtaining displayed amount information --.

Claim 21, line 2: "includes a date and time information obtaining step" should be -- includes a time information obtaining step --.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-10, 12-21, and 23-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (US 2002/0120589).

Re claims 1, 12, 23: Aoki discloses a game device, a game machine control method, and a program (para. 0002), comprising: advertisement displaying means for displaying an advertisement on a game screen (para. 0069, lines 7-12); advertisement point calculating means for calculating an advertisement point of the advertisement displayed

on the game screen (para. 0073, lines 38-40); point comparing means for comparing an accumulated value of the advertisement point (para. 0085, lines 13-14), which is calculated by the advertisement point calculating means with a predetermined guaranteed point (para. 0025, lines 6-11; para. 0073, lines 47-54: In order to determine whether the ad has been displayed more than a predetermined number of times, the predetermined number and the current number (accumulated advertisement point) must be compared (the point comparing means).); and related advertisement output means for outputting a related advertisement which relates to the advertisement in response to a comparison result by the point comparing means (para. 0073, lines 54-58).

Re claims 2, 13, 24: Aoki further discloses the game device according to claim 1, wherein the related advertisement output means outputs audio which relates to the advertisement as the related advertisement (para. 0067, lines 3-14).

Re claims 3, 14, 25: Aoki further discloses the game device according to any one of claims 1 and 2, wherein the related advertisement output means displays an image which relates to the advertisement as the related advertisement (para. 0067, lines 3-14).

Re claims 4, 15, 26: Aoki further discloses the game device according to claim 3, wherein the image related to the advertisement is a still image (para. 0067, lines 3-7).

Re claims 5, 16, 27: Aoki further discloses the game device according to claim 3, wherein the image related to the advertisement is a motion image (para. 0067, lines 3-7).

Re claims 6, 17, 28: Aoki further discloses the game device according to claim 1, wherein the related advertisement output means includes related advertisement data storing means which stores related advertisement data for representing a content of the related advertisement (para. 0067, lines 3-14) and output time identifying information for indicating output time for outputting the related advertisement, which are in relation to each other ("Display Time" in Fig. 6; claim 3, lines 3-4), and the related advertisement output means monitors arrival of the output time (para. 0073, lines 47-50) in response to the comparison result by the point comparing means and outputs the related advertisement based on the related advertisement data when the output time has arrived (para. 0067, lines 12-14; para. 0073, lines 47-58).

Re claims 7, 18, 29: Aoki further discloses the game device according to claim 1, further comprising: means for receiving data concerning any one of the advertisement and the related advertisement from another device (36, 46, 50, Fig. 1; para. 0062, lines 1-4).

Re claims 8, 19, 30: Aoki further discloses the game device according to claim 1, wherein the advertisement point calculating means includes means for obtaining displayed amount information of the advertisement on the game screen (para. 0009,

lines 4-6; para. 0010, lines 3-7; lines 2-4 of paras. 0011-0013), and calculates the advertisement point based on the displayed amount information of the advertisement (para. 0073, lines 38-40).

Re claims 9, 20, 31: Aoki further discloses the game device according to claim 1, wherein the advertisement point calculating means includes means for obtaining display quality information of the advertisement on the game screen (para. 0014, lines 4-5; para. 0015, lines 3-12), and calculates the advertisement point based on the display quality information of the advertisement (para. 0073, lines 38-40; para. 0080, lines 8-10; para. 0082, lines 3-5; para. 0084, lines 8-14; para. 0097, lines 4-13).

Re claims 10, 21, 32: Aoki further discloses the game device according to claim 1, wherein the point comparing means includes time information obtaining means for obtaining time information (para. 0012, lines 2-11) and decides a period for accumulating the advertisement point based on the time information ("Advertisement Period" in Fig. 5; para. 0073, lines 38-40).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 11, 22, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of Chu (US 2004/0148221). The teachings of Aoki have been discussed above.

However, Aoki fails to disclose a game advancement level obtaining means for obtaining an advancement level of a game provided on the game screen.

Chu teaches a game advancement level obtaining means for obtaining an advancement level of a game provided on the game screen (para. 0071, lines 26-43).

Therefore, in view of Chu, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a game advancement level obtaining means for obtaining an advancement level of a game provided on the game screen in order to determine whether to display another advertisement based on how many game levels the player has advanced.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ebisawa discloses an apparatus and method for executing a game program having advertisements therein. Heckel discloses a method for advertising over a computer network utilizing virtual environments of games. Kake

discloses an object display system in a virtual world. Bates discloses a message insertion system and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jennifer Leung
January 9, 2007

KIM NGUYEN
PRIMARY EXAMINER